

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**SESILY MORGAN,)
Plaintiff,)
v.) **Case No. CIV-19-866-G**
ULTA SALON, COSMETICS, AND)
FRAGRANCE, INC.,)
Defendant.)**

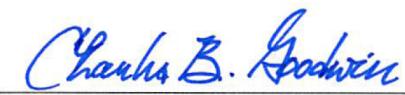
ORDER

On September 16, 2019, Plaintiff Sesily Morgan filed this action against Defendant Ulta Salon Cosmetics and Fragrance, Inc., asserting claims under the Americans with Disabilities Act, the Oklahoma Anti-Discrimination Act, Title VII, and the Pregnancy Discrimination Act. *See* Compl. (Doc. No. 1). On October 14, 2019, Defendant filed a Motion to Dismiss Plaintiff's Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure, arguing that Plaintiff did not plead sufficient factual matter to sustain her claims. *See* Pl's Mot. (Doc. No. 6), at 3-8.

In Plaintiff's Response to Defendant's Motion to Dismiss (Doc. No. 13), Plaintiff responds to Defendant's arguments with factual assertions that are absent from her Complaint and which cannot, therefore, be considered in ruling on Defendant's Motion to Dismiss. *See Cty. of Santa Fe, N.M. v. Pub. Serv. Co. of New Mexico*, 311 F.3d 1031, 1035 (10th Cir. 2002) ("In deciding a Rule 12(b)(6) motion, a federal court may only consider facts alleged within the complaint"). Plaintiff requests, as an alternative to dismissal, that she be permitted leave to amend her complaint. Pl's Resp. (Doc. No. 13) at 1.

Although Plaintiff did not comply with the prescribed procedure for requesting leave to amend,¹ the Court will, in the interest of judicial efficiency, allow Plaintiff the opportunity to file an Amended Complaint on or before February 3, 2020. In the event Plaintiff files an Amended Complaint by this deadline, the Court will strike the Status and Scheduling Conference currently set for February 5, 2020.

IT IS SO ORDERED this 28th day of January, 2020.



CHARLES B. GOODWIN
United States District Judge

¹ By local rule, Plaintiff was required to request leave to amend by filing a motion and “attach[ing] the proposed [amended] pleading as an exhibit to the motion.” LCvR 15.1.